



STATE OF CONNECTICUT
OFFICE OF HEALTH CARE ACCESS

M. JODI RELL
GOVERNOR

CRISTINE A. VOGEL
COMMISSIONER

September 22, 2005

Adam Breiner, N.D.
Director
Whole-Body Medicine, LLC
5520 Park Avenue
Suite 301
Trumbull, CT 06611

RE: Certificate of Need Determination; Report Number 05-30585-DTR
Acquisition and operation of hyperbaric oxygen chambers in Trumbull

Dear Dr. Breiner:

On August 5, 2005, the Office of Health Care Access ("OHCA") initiated an inquiry into whether the acquisition and operation of hyperbaric oxygen chambers by Whole-Body Medicine, LLC is subject to Section 19a-638 or 19a-639 of the Connecticut General Statutes. On September 15, 2005, OHCA received your response to OHCA's August 5, 2005 inquiry. OHCA makes the following findings regarding this matter:

- 1) Whole-Body Medicine LLC ("WBM, LLC") was organized and incorporated in January 2004. WBM, LLC is structured as a private practitioner office.
- 2) Dr. Adam Breiner is a member and manager of WBM, LLC. Dr. Adam Breiner is a naturopathic physician licensed in the State of Connecticut.
- 3) One of the services offered at WBM, LLC in Trumbull is hyperbaric oxygen therapy. WBM, LLC acquired two hyperbaric oxygen chambers in order to provide these services. Services initially commenced on August 16, 2004.
- 4) WBM, LLC is not directly related to any other legal entity. No other person or entity outside of WBM, LLC has any decision making ability or control over these services.
- 5) Dr. Breiner bills for professional fees and services.
- 6) No medical professionals from outside of WBM, LLC are allowed to utilize the hyperbaric oxygen chamber. Only Dr. Breiner is allowed to utilize the chamber.
- 7) All patients who receive hyperbaric oxygen therapy at WBM, LLC are regular patients of WBM, LLC.

8) Capital costs related to the acquisition of these chambers are as follows:

i) First Chamber in 4/04	\$ 39,500
ii) Second Chamber in 10/04	\$ 37,500
iii) Fixed Equipment	\$ 23,773
iv) Fair Market Value of Capitalized Leased Space	<u>\$ 10,000</u>
v) Total Capital Expenditure	\$ 110,773

9) An invoice dated April 5, 2004 from Hyperbaric Clearinghouse, Inc. lists a total cost for the first chamber, a Sechrist 2500B Monoplace Hyperbaric Chamber, as \$39,500. The unit was built in 1996.

10) An invoice dated October 20, 2004 from Hyperbaric Clearinghouse, Inc. lists a total cost for the second chamber, also a Sechrist 2500B Monoplace Hyperbaric Chamber, as \$37,500. The unit is a 1985 unit, factory refurbished in 1997.

Based on the above findings, OHCA has determined that Whole-Body Medicine, LLC is not structured as a health care facility or institution and therefore the acquisition of the two hyperbaric oxygen therapy chambers does not fall within the mandates of Section 19a-638 or 19a-639 of the Connecticut General Statutes. Therefore, Certificate of Need authorization is not required in this matter. If Whole-Body Medicine, LLC alters its organizational structure to become a health care facility or institution, as defined in Section 19a-630 of the Connecticut General Statutes, Whole-Body Medicine, LLC should notify OHCA in writing.

If you have any questions concerning this letter, please contact Karen Roberts, Compliance Officer, at (860) 418-7041.

Sincerely,

Signed by Commissioner Cristine A. Vogel on September 22, 2005

CAV:kr

Copy: Rose McLellan License and Applications Supervisor, DPH, DHSR